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ABSTRACT

Following an historical review of court decisions regarding students' rights, this paper discusses the 1969 Tinker case in which high school students' rights of free expression were established for the first time, examines the 1974 Kennedy Commission findings that the First Amendment rights of high school journalists were being ignored in most areas of the country, and cites published doubts regarding the accuracy of the Commission's findings. The paper then reports on a survey in which newpaper advisers or principals at 123 Illinois high schools (72% response rate) gave opinions on such issues as the rights of high school journalists, prior review of controversial material by school administrators, maturity of student journalists, distribution of controversial material, the need of school newspapers for guidance from administrators, and the role of adviser. The paper concludes that, on the basis of the survey results and a review of related literature, high school students still enjoy only a limited amount of journalistic freedom, and it suggests ways that such freedom may gradually be increased. The paper concludes with a bibliography of publications dealing with student press rights and related topics. (GW)

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CENSORSHIP OF ILLINOIS HIGH SCHOOL NEWSPAPERS

By

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INTRODUCTION

Five years after high school students' rights of free expression were established for the first time by the United States Supreme Court in the 1969 landmark case of Tinker v. Des Moines Independent Community School District,[1] the Kennedy Commission of Inquiry into High School Journalism concluded what has been termed "the single largest national study of the student press so far conducted."[2] The results, according to the commission, indicated that, while the courts were busy freeing students from the rigid controls of the public schools, administrators and teachers were virtually turning their backs on these legal pronouncements. Testimony of student newspaper editors and advisers suggested that the First Amendment rights of high school journalists were being blatantly ignored in most areas of the country, that school newspapers, in general, were devoid of substantive and investigative journalism, resulting in an absence of controversial or image-damaging information. Too many school newspapers, asserted the commission, are nothing more than house organs dedicated to upholding school administrators and presenting them in the best possible light. Critics of the commission's report contend that it reflects an inaccurate picture of student journalists' rights in the

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[1] 393 U.S. 503 (1969).

[2] Captive Voices: The Report of the Commission of Inquiry into High School Journalism (New York: Schocken Books, 1974).

modern-day high school, that censorship, while existing to a limited degree, is nowhere near as widespread as the commission alleges.

Which position is more accurate? The present study is designed to provide at least a partial answer to that question. Beginning with an examination of the legal rights of students over the years, the paper follows with a close look at the findings of the Kennedy commission report, and the arguments of its critics, and then presents the results of a survey which explores the attitudes of principals and advisers from 121 public high schools in Illinois toward the issue of press freedom for student journalists. The study concludes with an examination of the data and a review of the literature, as well as recommendations that students, advisers and administrators might follow to avoid further confrontations over First Amendment rights.

BACKGROUND OF THE STUDY

Until recently, school boards were given almost unlimited license by the courts to regulate student conduct, so long as these bodies fulfilled their function of educating students and providing an academic atmosphere free of disturbances. Most court decisions involving school boards viewed these units as administrative bodies of the state, whose acts were considered "proper" if they were "reasonable," i.e., served a legitimate school purpose. These same legal proceedings also were marked by a reluctance on the part of the judiciary to scrutinize school board activities.

" . . . Courts hesitate to substitute their will and judgment for that of the school boards which are delegated by law as the

agencies to prescribe rules for the government of the public schools of the state, which are supported at the public expense."[3]

This judicial timidity toward local school issues reflected the long-standing belief that education was a local matter which should be developed and directed by local officials. Merged in this concept was the notion that the role of American education was political in nature; developing citizenship was more important than increasing scholarship. The anarchic instincts of the masses had to be tamed and civilized, and this was to be accomplished thru discipline that would bring with it respect for authority and the elimination of individualistic conduct. And it was this perception of education that persistently emerged in one court decision after another involving students and the schools.

Said the Supreme Court of Georgia in Board of Education v. Purse, an 1897 case involving criticism of a teacher by a parent in the presence of students:

> Public education which fails to instill in the youthful mind and heart obedience to authority, both private and public, would be more of a curse than a blessing.
>
> . . . An act of disorder in the school room, calculated to bring into contempt the authority of the school as well as the individual in charge . . ., should be met with such punishment as would . . . impress the pupils with the importance of obedience and respect to constituted authority. Children . . . too . . . naturally . . . look with contempt upon authority,

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[3]Richard L. Berkman, "Students in Court: Free Speech and the Functions of Schooling in America," Harvard Educational Review, XL (November, 1970), 36.

> especially when represented by a schoolmaster; and parents should be restrained from encouraging this tendency so dangerous . . . to private and public welfare.[4]

Eleven years later, Wisconsin's highest court reiterated this widespread support of attempts by the schools to suppress individualistic behavior. Here two high school students were expelled for having had published in a local newspaper a poem that satirized school rules. The court upheld the school board's action on the grounds that the poem had an "injurious effect" on the discipline of the school.[5]

The belief that obedience to school rules was an essential part of citizenship training was apparent in Byrd v. Begley, a 1936 Kentucky case involving the expulsion of a student for violating the school curfew rule and defying other orders of the superintendent. Noted the court:

> Neither the schools nor the state can carry on without rules or laws regulating the conduct of the student or citizen, and those who are taught obedience to the rules and regulations of the school will be less apt to violate the laws of the state.[6]

In a more recent (1961) case, even teacher obedience to rules was made part of the students' education. Here a teacher, described

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[4]101 Ga. 422, 28 S.E. 896 (1897).

[5]State ex. rel. Dresser v. District Board, 135 Wis. 619, 116 N.W. 232 (1908).

[6]262 Ky. 422, 90 S.W. 2d 370 (1936).

by the court as "competent, and perhaps inspired," was fired for refusing to submit lesson plans to the assistant principal two weeks in advance. Ruling in favor of the school, the court noted the importance of conformity to rules in the history of formal education, and stressed the need for individual discipline that enables one to live in a community, discipline that is "both taught to the pupil and binding on the teacher."[7]

Part and parcel of this need for compliance with the broad disciplinary aims of the educational system has been a reluctance on the part of schools to recognize the concept of students' freedom to examine and increase that knowledge which the school itself has transmitted. Consequently, school officials have traditionally sought to exert considerable power over secondary school students, including "attempts to insulate (them) from controversial ideas while in the classroom or on school premises."[8]

Such efforts at total student domination by the schools were left mostly unchallenged by the courts until recent years. One notable exception was the 1943 flag-salute case decided by the U.S. Supreme Court.[9] In ruling that school children had the right to refuse to salute the flag, the Court said that "Students explicitly possess ordinary constitutional rights.... The Fourteenth Amendment,

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[7]Worley v. Allen, 212 N.Y.S. 2d 236, 12 A.D. 2d 411 (1961).

[8]Robert Trager, Student Press Rights (Urbana: ERIC Clearinghouse on Reading and Communication Skills, 1974), p. 10.

[9]West Virginia State Board of Education v. Barnette, 319 U.S. 624, 635 S. Ct. 1178 (1943).

as now applied to the states, protects the citizen against board(s) of education."

Generally, tho, courts continued to uphold school regulations on the grounds that they were not "clearly arbitrary and unreasonable," altho it was not often that the courts explored whether or not the rules actually performed a "proper educational function." In fact, most court decisions "reflected educational theories in which the public school was viewed as a place separate and apart from the rest of the world--including, in some cases, the student's family."[10]

Such acceptance by the courts of school officials' almost total autonomy over students began to lessen in the late 1960's, reflecting in part the nationwide demand during that decade by dissident groups of all ages for greater recognition of their personal and constitutional rights. Undoubtedly the most significant example of this emergent liberalization is the U.S. Supreme Court's decision in the Tinker case which held that First Amendment rights, applied in light of the special characteristics of the public school environment, apply to students as well as adults. No longer can school officials silence individual opinion without showing that such expression "materially and substantially interferes with the requirements of appropriate discipline in the operation of the school."[11]

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[10] Trager, loc. cit.

[11] Tinker quoting Burnside v. Byars, 363 F. 2d 744 (5th Cir. 1969).

This 1969 landmark case, which involved the suspension of three students for violating a school district rule that prohibited the wearing of black armbands to protest U.S. involvement in the Vietnam conflict, was preceded by a 1966 circuit court decision that centered around a school rule banning the wearing of "freedom buttons" by black students in a Southern high school. The court here invalidated the regulation, contending that school officials were unable to prove that the actions of the students did in fact cause "material and substantial" disruption. The rule laid down in this case was cited in Tinker.

In the Tinker case, Justice Fortas, writing for the majority, characterized the wearing of the armbands as "closely akin to 'pure speech.'" It was, Fortas noted, "a silent, passive expression of opinion, unaccompanied by any disorder or disturbance on the part of the petitioners." Nor did the Court find any reasonable basis for anticipating substantial disruption of the educational process. As a result, school officials could not restrict the speech merely because of "an undifferentiated fear or apprehension of disturbance" or by a "mere desire to avoid the discomfort and unpleasantness that always accompany an unpopular viewpoint."[12]

The Court pointed out that "personal intercommunication among the students . . . is an inevitable part of the process of attending school

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[12]Tinker, 738. See also Paul G. Haskell, "Student Expression in the Public Schools: Tinker Distinguished," Georgetown Law Journal, LIX (October, 1970), 39-41; and Stephen Goldstein, "Reflections on Developing Trends in the Law of Student Rights," University of Pennsylvania Law Review, CXVIII (Fall, 1970), 614-617.

(and) . . . also an important part of the educational process." Thus, one of the student's rights is airing his opinions on controversial subjects as long as he does so without "materially and substantially" disrupting the discipline or operation of the school, or "without colliding with the rights of others."[13] And it is the administrators, not the students, who must prove that disruption did occur--or would have.

Public schools, the Court asserted, "may not be enclaves of totalitarianism. School officials do not possess absolute authority over their students."[14] And these students--in school as well as out--, said the Court, are "persons" under the Constitution. "They are possessed of fundamental rights which the State must respect," emphasized the Court, "just as they themselves must respect their obligations to the State. In our system, students may not be regarded as closed-circuit recipients of only that which the State chooses to communicate." Nor may they "be confined to the expression of those sentiments that are officially approved, in the absence of a specific showing of constitutionally valid reasons to regulate their speech."[15]

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[13]Tinker, 511.

[14]Tinker, 739.

[15]Tinker, 509; see also William D. Valente, "Student Discipline in Public Schools Under the Constitution," Villanova Law Review, XVII (June, 1972), 1032-1036.

That the Tinker decision, by extending the First Amendment rights of speech and expression to secondary school students, diminishes administrators' authority to curtail such expresssion on school grounds is significant.[16] What is even more noteworthy is that the Court's opinion in this case represents a view of the purposes and methods of education that is remarkably different from that traditionally expressed by American courts in the last one hundred years.

"There is first none of the familiar rhetoric about the disciplinary purposes of education. The extension of First Amendment rights to students means that, in some circumstances, courts will vindicate the actions of students" who act contrary to the commands of their schools.[17] Wrote Justice Black in a dissenting opinion to Tinker: "One does not need to be a prophet or the son of the prophet to know that after the Court's holding today, some students will be ready, able and willing to defy their teachers on practically all orders."[18]

The thesis of the Tinker opinion--"that First Amendment rights in the classroom are actually essential to an effective educational process in a democracy rather than a source of disruption of that process"[19]--can also be found, in varying degrees, in close to fifty

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[16]Trager, op. cit., p. 18.

[17]Berkman, op. cit., p. 48.

[18]Tinker, 746.

[19]Berkman, op. cit., p. 49.

court decisions involving high school students rendered post Tinker.[20] All of these cases deal, in one form or another, with attempts by students, who have been taught that disagreement is disobedience, to separate out for protection the elements of freedom to disagree from the imperatives of school discipline. And of these, more than two dozen relate directly to printed expressions of students' views, covering the gamut from obscenity to invasion of privacy, and from student advocacy of violence or lawlessness to prior restraint exercised by administrators.

Neither the proponents of freedom of expression for high school students nor those who advocate attitudes of acquiescence and submissiveness for this group can deny that the position of the courts since Tinker has shifted somewhat dramatically in the direction of greater support for the press rights of student journalists. The question remains, however, of just how significant this turnabout by the judiciary has been in reversing the attitudes of teachers and administrators toward a libertarian high school press. Are most of them, as one observer suggests, "out of touch with the movement in the courts and genuinely unimpressed with the significance of (the)

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[20]Among the most notable are Antonelli v. Hammond, 308 F. Supp. 1329 (1970); Bazaar v. Fortune, 476 F. 2d 570 (1973); Eisner v. Stamford Board of Education, 440 F. 2d 803 (1971); Joyner v. Whiting, 477 F. 2d 458 (1973); Koppell v. Levine, 347 F. Supp. 456 (1972); Quarterman v. Byrd, 453 F. 2d 54 (1971); Scoville v. Board of Education of Joliet Township High School District 425 F. 2d 10 (1970); Shanley v. Northeast Independent School District 462 F. 2d 960 (1972); Sullivan v. Houston Independent School District, 475 F. 2d 1071 (1973), review denied, 42 LW 3286 (1973); Trujillo v. Love, 322 F. Supp. 1266 (1971); Vail v. Board of Education of Portsmouth School District, 354 F. Supp. 604 (1973); Vought v. Van Buren Public Schools, 306 F. Supp. 1388 (1969); and Zucker v. Panitz, 299 F. Supp. 102 (1969). See Sandra Russell, "Freedom of the Press: Status and Implications of 1st Amendment Theory for the High School Press," Quill and Scroll, XLIX (December-January, 1975), 6-9.

court decisions"?[21] Do the majority of them still adhere tenaciously to the traditional educational concepts of uniformity and uncritical compliance with school rules, as a 1973 study concludes?[22] Or is there evidence of their widespread agreement with the belief that the First Amendment guarantees students the right to report on and editorialize about controversial topics and events in the school, community, nation and world? A search of the literature would appear to yield no definitive answers to these questions.

On the one hand, there is the Kennedy commission's major inquiry into the status of high school journalism, which found that "censorship and the systematic lack of freedom to engage in open, responsible journalism" are prevalent at this level.[23] On the other hand, one can point to the study's army of critics, who claim that it "has an over-tendency to sound alarms and reach conclusions with too little evidence"; that its surveys "are handled in a dipsy-doodle fashion"; that it is "badly censored," "uses extreme examples," and represents

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[21] Ann Heintz, "Ivory Towers Sap Creativity and Fog Future," Communication: Journalism Education Today, IX (Fall, 1975), 20. See also George Triezenberg, "Student Communication Rights," NASSP Bulletin, LVII (April, 1973), 15-18.

[22] Jacquelynn O. Raymond, "The Status of Administrative Censorship, of and Attitudes Toward, the Scholastic Press in Public Secondary Schools in Kansas: A Survey and Case Studies of How Controversial Issues Are Covered," unpublished MA thesis, University of Kansas, 1972.

[23] Captive Voices, p. 47.

"a call for unrealistic freedom."[24]

Starting in early 1973, the 22-member commission spent 15 months and $65,000 for what its chairman[25] called "tne single largest national inquiry into American high school journalism so far conducted." The study encompassed 6 public hearings, 12 consultation meetings with "experts" in some aspects of high school journalism, 4 surveys,[26] a content analysis of 293 high school newspapers and a review of related literature. It focused on four principal areas of inquiry: (1) "the degree to which direct and indirect censorship of high school journalism operated to deny student journalists the protection of the First Amendment"; (2) the extent of participation of minority students in high school journalism; (3) the role of journalism in the high school and the amount of formal journalism training of newspaper advisers; and (4) the degree to which editors of the established media were aware of the problems and possibilities of high school journalism.

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[24]Particularly harsh in their criticism of the report are Louis E. Ingelhart in "A Look at Captive Voices," NASSP Bulletin, LIX (February, 1975), 7-13, and C. Marshall Matlock in "Captive Voices: Valid Points vs. Generalizations," Quill and Scroll, XLIX (April-May, 1975), 8-9. See also the 1974 issue of the Newspaper Fund's Newsletter, and a letter from Edmund C. Arnold of Syracuse University's journalism school that appeared in Editor & Publisher, August 31, 1974.

[25]Franklin Patterson, a professor at the University of Massachusetts.

[26]Surveys were returned from 48 secondary schools, 363 teachers and faculty advisers and 180 managing editors of daily newspapers.

In examining the causes of high school censorship, which the commission called "a matter of school policy in all areas of the country," the study points the finger of blame at advisers, many of whom are inadequately trained for their jobs, "who . . . succumb to bureaucratic and community pressures" to suppress "controversial" material; students, teachers and administrators, who accept censorship "as a routine part of the school process," and parents, "who take little interest in the rights of students and, in fact, support rigid school controls."[27]

With regard to the kind of material censored, the commission claimed that three categories of writing were most affected: (1) controversial political issues, such as racism and students' rights; (2) material which created "unfavorable images of the school," such as criticism of administrators, faculty policies and athletic teams; and (3) reports of life-styles and social problems, such as birth control and drug abuse.

The result, asserted the commission, is that most high school newspapers function solely as house organs for school administrators.[28]

Those who find themselves in disagreement with the study's findings contend that they represent "only information . . . which

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[27] Captive Voices, pp. 36. 48.

[28] Ibid., p. 48.

directly substantiated the preconceived goals of the commission"; that the views of several agencies and individuals involved in secondary school journalism were either ignored or never solicited; that the commission's survey results were miscomputed; and that its content analysis of high school newspapers was too subjective to be scientifically valid.[29]

SCOPE

Such negative evaluations of the commission's report would seem to indicate the need for further research in this area. Are the criticisms justified? Is censorship as prevalent at the high school level as the commission indicates? Are the case studies presented by the commission merely isolated examples of the abridgement of First Amendment freedoms, or do they actually reflect a situation which is nationwide in scope, as the commission alleges? The remaining part of this paper will attempt to provide, on a limited scale, answers to these questions by examining the attitudes of principals and publications advisers of Illinois high schools toward student journalism and freedom of the press.

METHODOLOGY

All 172 schools in Illinois with student populations of 1000 or more were provided with a three-page, 37-item questionnaire. Of

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[29] Ingelhart, op. cit., and Matlock, op. cit.

these schools, three were visited personally, and the respondents (principals) were asked to express their opinions orally. Principals of the remaining 169 schools received their surveys thru the mail.

Ninety-nine of the subjects responded within the suggested 15-day time limit. A follow-up letter was sent out two days after the initial deadline; this brought in an additional 21 responses. Thus, 120 of the 169 mailed surveys were returned, representing a response rate of 71%. Including the three oral interviews, attitude assessments were received from 123 (72%) of the 172 schools surveyed. However, two of these provided incomplete information and were voided, leaving 121 responses--70% of the sample--to be tabulated.

Altho all 169 mail questionnaires were sent to principals, 52 advisers were among those responding. Thus, including the three personal interviews, principals represented 57% (69) of the total, and advisers, 43% (52).

ANALYSIS OF THE DATA

Student and District Population

Schools varied in population from 1000 to 5100, with 58 (48%) totalling under 2000; 36 (29%) between 2000 and 3000; 19 (16%) between 3000 and 4000; 6 (5%) between 4000 and 5000; and 2 (2%) over 5000. Districts ranged in size from 18,000 to 100,000.

Frequency of Publication

With regard to frequency of publication, 60 papers (50%) come out bi-weekly; 13 (11%) weekly; 31 (20%) monthly; and 16 (13%) other

(including 12 issues a year; every three weeks; and bi-monthly).

Job of Adviser

All but four (3%) of those serving as advisers to the high school papers from the 121 schools responding teach English and journalism. Of the four who don't, two are science instructors and two teach a combination of English and social studies courses.

Rights of Journalists--High School and Professional

Responding to the questions, "Do you believe that First Amendment rights to freedom of expression are the same under the law for high school and professional journalists," and "if not, which group has more freedom?", 67 (55%) answered "yes." Thirty-five (52%) of the 67 were principals, and 32 (48%) were advisers. (See Table I). Thus, of all 69 principals responding, 51% believe that First Amendment rights for both groups are the same, as do 62% of the 52 advisers who answered the questionnaire. Replying "no" to the question were 45 (37%) of the 121 respondents. Among these were 25 principals, representing 55% of the 45 "no" respondents and 36% of all administrators answering the survey; and 20 advisers, representing 44% of the "no" respondents and 38% of the 52 teachers who responded. "Undecided" responses totaled 9 (18%), all of whom were principals. This group made up 13% of all the administrators involved. Of the "no" respondents, only two (both principals) indicated that high school students have more freedom, one contending that this is so "because they are legally

TABLE I

Do you believe that First Amendment rights to freedom of expression are the same under the law for high school and professional journalists?

	% of Total (121) Responses	Principals	% of Total (121) Responses	% of Total (69) Principals Responding	Advisers	% of Total (121) Responses	% of Total (52) Advisers Responding
Yes							
67	55	35(52%)	29	51	32(48%)	26	62
No							
45	37	25(56%)	21	36	20(44%)	16	38
Uncertain							
9	8	9(100%)	7	13	0	0	0

not as responsible for their actions under the law due to the age factor," and the other because "professional journalists are subject to censorship by their publishers."

One adviser suggested that the constitutional right to free expression is not the same for both groups because "high school journalists cannot interfere with the duty of the administration to maintain an orderly situation." Another replied that "technically, it (freedom of expression) is the same for both groups," but that "this freedom is more frequently abused or denied to the high school press by administrators, school boards, etc." An adviser from a Chicago suburban high school indicated that First Amendment rights are legally the same for both high school and professional journalists "technically, but self-censorship in high school makes them less equal."

This last comment reflects one of the underlying themes of the Kennedy commission inquiry, that "as part of the day-to-day operation of high school journalism, censorship generally is accepted by students, teachers and administrators as a routine part of the school process. This has developed into the most pervasive kind of censorship, that imposed by students upon themselves."

The term "responsibility" appeared with considerable frequency when respondents indicated whether they believed First Amendment rights to freedom of expression <u>should be the same</u> for high school and professional journalists and, if not, which group should have

more freedom? One adviser wrote that First Amendment freedoms should be the same for both groups, "but high school students must take responsibility," while another asserted: "These freedoms should be the same for both groups, but public schools need to exercise caution and responsibility." This same emphasis on "responsibility" was evident in another comment from an adviser whose staff currently is embroiled in a censorship dispute over a story written by a student reporter last spring.[30] The adviser opined that both students and professional journalists should possess these freedoms to an equal degree. "The main difference between the two groups are maturity and experience. Too many times, journalists use their paper for personal attack. (The) focus should center around the incident. Of course, the person cannot be totally ignored." Finally, one adviser from a Chicago-area school with a student population of 3600 stated bluntly, "The school newspaper is a house organ," thus echoing still another Kennedy commission conclusion that too many student newspapers, reflecting as they do the attitudes of administrators, are characterized by "triviality, innocuousness and uniformity,"

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[30]In an extensive comment, he wrote: "Our principal did ask that a story be withheld last spring. The reporter has sought legal advice (ACLU). We have had an exchange of correspondence. We have an editorial board that passes upon controversial issues. The story was not presented to the board when originally written. I believe that the legal ramifications against (our school) are lessened because the editorial board did subsequently act upon the issue. In a special summer meeting, (members) voted to include the story, not because of its news value, but because of the censorship issue. To date, we are awaiting the next move from the attorney. I doubt that the case will hold up in court on the basis that the editorial board made the decisions concerning the story. The principal has said that he would stay out of the issue, which he initiated earlier by telling the reporter that she could not print the story."

which have "created a high school press that in most places is no more than a house organ for the school administration."[31]

Responding "yes" to the question were 75 (62%) of the principals and advisers, while "no" was the answer submitted by 41--or 34%--, four of whom suggested that high school students should have more freedom. Five (4%) of the subjects, including four principals, were uncertain about their attitudes toward this aspect of press freedom. (See Table II). Among the 75 "yes" responses, 35 (47%) came from principals, constituting 51% of all administrators responding; and 40 (53%) were from advisers. Thus, 77% of the 52 teachers answered this question with a positive response. Of the 41 subjects who replied "no," 30 (73%) were principals and 11 (27%) were advisers. This means that 43% of the 69 administrators and 21% of the 52 teachers came up with negative responses to this question.

Next, the educators were asked: "Do student journalists at your high school have as much freedom of expression as professional journalists have?" Those answering "yes" numbered 68--or 56% of all respondents; 50 (41%) replied "no" and 3 (3%) were "uncertain." (See Table III). Principals accounted for 33 (49%) of the "yes" responses, advisers for 35 (51%). At the opposite range, principals made up 33 (66%) of the total "no" responses, with 48% of their group responding in this manner. Thirty-three percent (17) of the 52 advisers,

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[31]Captive Voices, loc. cit.

TABLE II

Do you believe that First Amendment rights to freedom of expression should be the same for high school and professional journalists?

	% of Total (121) Responses	Principals	% of Total (121) Responses	% of Total (59) Principals Responding	Advisers	% of Total (121) Responses	% of Total (52) Advisers Responding
Yes							
75	62	35(47%)	29	51	40(53%)	33	77
No							
41	34	30(73%)	21	43	11(27%)	9	21
Uncertain							
5	5	4(80%)	2	6	1(20%)	1	2

TABLE III

Do student journalists at your high school have as much freedom of expression as professional journalists have?

	% of Total (121) Responses	Principals	% of Total (121) Responses	% of Total (69) Principals Responding	Advisers	% of Total (121) Responses	% of Total (52) Advisers Responding
Yes							
68	56	33(49%)	27	48	35(51%)	29	67
No							
50	41	33(66%)	27	48	17(34%)	14	33
Uncertain							
3	3	3(100%)	2	4	0	0	0

on the other hand, responded "no," accounting for 34% of all such responses.

One adviser asserted that student journalists at his school "have a considerable amount (of freedom of expression) and are allowed to be critics, but . . . not one has (yet) ventured into obscenity or attempted to be disruptive." Boasted another: "Our students have so far demonstrated better judgment than some 'professionals' in areas of libel and yellow journalism," while a third pointed out that hers was "one of the few high schools in the area not to have censorship by the principal or superintendent."

Publication Guidelines

Many educators have suggested that one way to avoid censorship of the high school press is to develop an understanding among student editors, publications advisers and administrators as to just what constitutes a "realistic" policy for the school newspaper.[32] The establishment of publication guidelines, it is argued, helps inexperienced student journalists recognize that certain legal restrictions exist with regard to material that is libelous, obscene or "materially and substantially" disrupts school operations. While some schools appear to use such guidelines as a means of curtailing student press freedoms, there are nevertheless obvious advantages of establishing a

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[32]Ralph L. Sellmeyer and Billy I Ross, "Realities of Scholastic Journalism," NASSP Bulletin, XXXII (February, 1975), 17. See also Benjamin W. Allnut, "Advisers and Principals, Partners Not Adversaries," NASSP Bulletin, XXXII (February, 1975), 1-6.

policy that sets down the purposes and objectives of the publications program. Despite this fact, however, only 46 (38%) of the Illinois schools who responded to the survey have such written guidelines. And of these, only four update or rewrite them on a regular (annual) basis. A number of these policy statements were drawn up in the early 1960's, and it would seem unlikely that they could reflect the major transformations that have transpired in the realm of students' rights since that point in time.

Prior Review of "Controversial" Material

After examining the attitudes of principals and advisers toward First Amendment rights for student journalists, the survey attempted to ascertain the degree of involvment by school administrators in determining the content of school publications. What type of material is considered "controversial" or "objectionable" or "too sensitive" for inclusion in the high school press? What limitations, other than legal restrictions, are imposed upon student journalists?

Only 4 (3%) of the 121 respondents indicated that all material in their school newspapers is reviewed by administrators before distribution to the student body. On the other hand, material considered "controversial" does not escape the attention of administrators from 48 (40%) of the schools responding.

What constitutes "controversial" material? Obviously, the answer to this question depends upon what the individual administrator considers to be the function of the high school press. His perceptions,

in turn, are influenced by a number of factors, not the least of which is "the educational atmosphere that he hopes to create. His attitude may also reflect the degree of confidence he feels personally . . . and his past experiences with upset parents, misguided advisers or irresponsible editors."[33]

The administrator who is overly sensitive to community pressures would more likely tend to consider any material which deviates from the house organ concept of the school newspaper as "objectionable" or "disruptive." This would probably encompass news of substance that is in some way detrimental to the school image, including problems of the community, criticism of how the school is being run, student problems and protests, and coverage of such significant social issues as birth control, divorce, suicide, gay liberation, euthanasia, drugs or pre-marital sex. To the supporters of a libertarian student press, of course, the absence of such issues results in a bland publication that bears little resemblance to an actual newspaper. These critics contend that the bulk of today's high school papers devote too much space to such "safe" subjects as curricular changes, individual achievements and news of organizations and activities, including sports, while ignoring substantive issues almost entirely.[34]

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[33]Sellmeyer and Ross, op. cit., 15; see also "Constitutional Law: Board of Education Rule Requiring Prior Review of All Student Literature Distributed in High Schools Declared Unconstitutional," Buffalo Law Review, XXII (Spring, 1973), 611-624.

[34]Captive Voices, 44-45.

Maturity of Student Journalists

Those who advocate that high school students should submit materials to administrators prior to publication and distribution frequently argue that students at this grade level are not mature enough to deal capably with controversial concepts and ideas at variance with those commonly accepted in the community, that they are too prone to make mistakes and perhaps abuse their First Amendment rights.[35] And these proponents of prior restraint seem to have the weight of judicial authority on their side. "The First Amendment rights of children are not co-extensive with those of adults," wrote Justice Stewart in the Tinker case.[36] The Court first voiced this opinion in Prince v. Massachusetts (1944) and has reiterated it several times since.[37] Nevertheless, "some courts have subscribed to the belief that today's high school students do exhibit a sufficient level of maturity to warrant lessening the degree of authority administrators may exert over them." In Eisner v. Stamford Board of Education, the court wrote:

> The risk taken if a few students abuse their First Amendment rights of free speech and press is outweighed

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[35]Sheldon Nahmod, "First Amendment Protection for Learning and Teaching: The Scope of Judicial Review," Wayne Law Review, XVIII (September, 1972), 1491.

[36]Trager, op. cit., p. 50; Tinker, 515.

[37]Prince v. Massachusetts, 321 U.S. 158 (1944); see also Quarterman, op. cit., and Egner v. Texas City Independent School District, 338 F. Supp. 931 (S.D. Tex., 1972).

> by the far greater risk run by suppressing free speech and press among the young. The remedy for today's alienation and disorder among the young is not less but more free expression of ideas. In part, the First Amendment acts as a "safety valve" and tends to decrease the resort to violence by frustrated citizens. Student newspapers are valuable educational tools, and also serve to aid school administrators by providing them with an insight into student thinking and student problems. They are valuable, peaceful channels of student protest which should be encouraged, not suppressed.[38]

Several items in the survey focused on the question of whether high school journalists are sufficiently mature to tackle "controversial" topics in news stories. (See Tables IV, V and VI). Over 80% of the principals and advisers answered "yes" with reference to such subjects as discipline and control, criticism of student councils and school board meetings. They indicated their strongest objection to such areas as gay liberation (34--or 30%--responded "no"); criticism of the principal and/or administration (29 (25%) "no," with 17 (15%) "undecided"); and faculty unions (26 (23%) "no" and 25 (22%) "undecided").

Restrictions on Distribution of "Controversial" Material

To the question, "Do you feel that the special circumstances of public high schools make it necessary for principals to restrict distribution of material which focuses on matters that may be sensitive

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[38]Eisner, op. cit. See also T. Page Johnson, "Eisner v. Stamford: Prior Restraint on Distribution of Literature in High Schools," NOLPE School Law Journal, II (Spring, 1972), 27-30, and "Notes, Prior Restraints in Public High Schools," Yale Law Journal, LXXII (May, 1973), 1327-1331.

TABLE IV

Do you consider the students on the newspaper staff at your school to be mature enough or responsible enough to handle the topics below in a news story?

	YES	NO	UNCERTAIN
Criticism of faculty	68(60%)	23(20%)	23(20%)
Criticism of principal and/or administration	68(60%)	29(25%)	17(15%)
Criticism of athletic teams	78(68%)	23(20%)	13(12%)
Local politics	76(66%)	19(17%)	19(17%)
Birth control, abortion	59(52%)	24(21%)	31(27%)
Gay liberation	49(43%)	34(30%)	31(27%)
Race relations	76(66%)	21(19%)	17(15%)
Drugs, alcoholism	86(76%)	16(14%)	11(10%)
Discipline, control	92(81%)	12(11%)	10(8%)
School board meetings	92(81%)	12(11%)	10(8%)
Criticism of student council	93(82%)	11(10%)	10(8%)
Faculty unions	63(55%)	26(23%)	25(22%)

in the community?", 50 (41%) of the respondents answered "yes." (See Table V). Of these, 33 (66%) were principals, who represented 27% of all 121 subjects answering the survey, and 48% of the 69 administrators who took part in the inquiry. The number (17) and percentage (34) of advisers who expressed this belief were far smaller. They made up 14% of all 121 subjects and 33% of all 52 teachers responding. Among the 51 negative responses to this question, 20 (39%) were from principals and 31 (61%) from advisers. Thus, 29% of all principals responding and 60% of the advisers believe that administrators should allow sensitive issues to be covered in the high school press, despite the negative reaction that such stories might generate in the school community. This question attracted a large number of "uncertain" responses--20--or 17% of the total, including 16 principals (or 23% of the 69 administrators responding).

Guidance From Administrators and Advisers

The subject of student maturity emerged again in a question which asked respondents whether high school newspapers should be published without guidance from administrators. (See Table VI). "Yes" responses outnumbered the "no" answers by almost a two-to-one margin--71 to 36--), with 33 principals (46%) and 38 advisers (54%) making up the former group, and 27 principals (75%) and 9 advisers (25%) constituting the latter. Thus, among the "no" respondents, principals outnumbered advisers by a three-to-one ratio. The distance between the two groups also is significant among the "uncertain"

TABLE V

Do you feel that the special circumstances of public high schools make it necessary for principals to restrict distribution of material which focuses on matters that may be sensitive in the community?

	% of Total (121) Responses	Principals	% of Total (121) Responses	% of Total (69) Principals Responding	Advisers	% of Total (121) Responses	% of Total (52) Advisers Responding
Yes							
50	41	33(66%)	27	48	17(34%)	14	33
No							
51	42	20(39%)	17	29	31(61%)	26	60
Uncertain							
20	17	16(80%)	13	23	4(20%)	3	7

(30)

TABLE VI

Do you feel students in your high school are mature enough to publish a school newspaper without guidance from the administration?

	% of Total (121) Responses	Principals	% of Total (121) Responses	% of Total (69) Principals Responding	Advisers	% of Total (121) Responses	% of Total (52) Advisers Responding
Yes							
71	59	33(46%)	27	48	38(54%)	31	73
No							
36	30	27(75%)	22	39	9(25%)	7	17
Uncertain							
14	11	9(64%)	7	13	5(36%)	4	10

(31)

respondents, with 9 (64%) of the 14 being administrators.

The only question on which the respondents showed complete unanimity was the one which asked, "Is guidance from an adviser necessary?" All 121 principals and advisers answered "yes."

Role of the Adviser

The last survey question, which requested that the respondents provide a brief job description for the newspaper adviser at their school, i.e., what should an adviser do, and not do, evoked answers from more than 80% (97) of the subjects, many of whom offered in-depth comments that focused on some of the more significant issues revolving around the topic of press censorship at the high school level. Eight respondents emphasized a theme prevalent in the literature, that "Student publications need a teacher who knows what he is doing," and that "A teacher with an English major is not automatically qualified to guide students in journalism courses or to assure quality publications."[39]

Wrote one adviser in responding to the survey: "A journalism teacher should have practical experience and/or college courses in journalism. An English background alone is not enough." Suggested another: "The adviser should have at least a minor in journalism." Opined a third:

> Much of the difficulty in high school journalism lies with untrained teachers who let the students

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[39]Richard P. Johns, "Accountability of Scholastic Journalism," NASSP Bulletin, LIX (February, 1975), 53-54.

> struggle with the publication of the newspaper. Perhaps some criteria should be established regarding the teacher. I feel that the adviser should have additional creditability by having had newspaper experience. It would be ideal if (he or she) currently writes for a newspaper.

Still another teacher indicated support for "journalism taught by professionals with experience in media, not just educational theory."

That censorship of high school publications and inadequate training of newspaper advisers are closely related is an accepted premise among most journalists and educators. While the adviser without college courses in journalism or practical experience in the field may eventually master the mechanics of publishing a school newspaper, he frequently is unaware of the legal rights and responsibilities of the press and, therefore, "can run into trouble whenever something . . . controversial arises. Sometimes the controversy hits the press; more often than not, however, it is suppressed for various reasons which may not be healthy for the school environment, to say nothing of honest journalism."[40] Altho most administrators recognize this fact, few are apparently willing to give it much concern. For instance, one principal who responded to the survey suggested that "work on a college newspaper" would be sufficient experience for the adviser of his school's student newspaper, while another indicated he would be satisfied with the adviser

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[40]"JEA Notes," Scholastic Editor, LV (April, 1976), 22.

having "at least an interest in journalism." (Emphasis is mine).[41] Hardly a survey taken on this subject fails to come up with the conclusion that not only do a majority of journalism teachers and advisers have little or no training or experience in the field, but that they have relatively little interest in assuming their jobs in the first place.[42]

Less than half of the 363 teachers answering the Kennedy commission survey had either more than 12 hours of college preparation or experience in journalism, and "only 32% of them had requested their assignments."[43] Similarly, a 1973 survey of journalism education in Michigan secondary schools found that "most teachers who taught journalism . . . courses majored in English while in college."[44] The picture in Kansas apparently is not much different. Here, a 1972 study found that 53% of the journalism teachers surveyed had only 6 credit hours, or fewer, of journalism.[45] Likewise in Wyoming where, in 1975, 78% of the 71 journalism advisers in the state had less than

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[41]The first statement was made by Carl Weimer, principal of Schaumburg (Ill.) High School, in a personal interview October 4, 1976; the second by Albert J. Weber, principal of Glenbard North High School, Carol Stream, Ill., also in a personal interview on the same date.

[42]Captive Voices, p. 89.

[43]Ibid.

[44]Gregory L. Gordon, "A Status Study of Journalism Education and Mass Media Communication Education in Michigan Secondary Schools," unpublished MA thesis, Central Michigan University, 1973.

[45]Raymond, op. cit.

12 credit hours in journalism, and only 16% had any professional experience in the field.[46]

Other respondents to the present survey zeroed in on what they considered to be the role of the high school newspaper adviser. Several of them indicated that the adviser not only had to guide the newspaper staff and train student journalists to exercise responsibility and "good taste" in reporting, but also had to "run interference between the staff and administration"; "to be a public relations buffer between faculty, administration, staff and students"; "to referee the ethical ground rules of the staff"; and to be "a resource person and a 'lawyer.'" This seldom-discussed aspect of the job was described recently by an administrator of the Quill and Scroll Society:

> On the one side is the student, yearning to leap the barriers and write anything he pleases; on the other is the school administrator, afraid of what errors in taste or reason may result if the student writer is given full rein. Caught in the middle is the adviser, wanting to help his students and hoping to please his administrators.[47]

While a number of advisers were specific in voicing their opposition to any form of censorship regardless of the circumstances, others seemed to do so with reservations, if not stated, then implied. For example, one respondent suggested that "His (the adviser's) <u>main</u>

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[46]Carol P. Schmidt, "A Study of the Professional and Educational Background of High School Journalism Teachers and Advisers in Wyoming," unpublished MA thesis, University of Wyoming, 1975.

[47]Johns, op. cit., pp. 54-55.

role should not be that of censor" (emphasis is mine), while another wrote that "The adviser should not limit or censor the newspaper to any great extent." One might infer, after a careful analysis of such statements, that the suppression of student press rights is being practiced by some advisers, altho they may be unaware that their actions do, in fact, constitute censorship. They may, as one study indicates, be "exercising control by suggesting ideas for editorials or editorial positions, approving editorials before they are written, approving all copy prior to publication, reading copy prior to publication and preventing publication of an editorial or news story."[48] Or they may simply be heeding the warning implicit in a statement from two journalism professors, that "If the adviser is not in tune with the administration, sensitive censorship problems may arise."[49] Or, finally, they may be part of that group of advisers described by the Kennedy commission who actually favor press censorship at the high school level.[50]

The commission points to a statement made by a Rolling Hills, California, publications adviser who, in suggesting ways for advisers to avoid censorship problems, urged them to,among other things, (1) Consider the paper's publisher to be the school administration and work within that framework; (2) Learn the personal philosophy

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[48]Linda Gregory, "Controls Exercised by Advisers of Indiana High School Newspapers," unpublished MA thesis, Indiana University, 1971.

[49]Sellmeyer and Ross, op. cit., p. 18.

[50]Captive Voices, p. 29.

of the principal and pay him allegiance in print; and (3) Have respect for all "sacred cows."[51]

CONCLUSIONS

What inferences can be drawn from this investigation? Is press censorship a widespread phenomenon in high schools across the country, more specifically in Illinois? One might conclude, based on an analysis of the data and a review of the related literature, that, despite court decisions that have expanded students' press rights in the last seven years, high school students in Illinois and elsewhere still enjoy only a limited amount of journalistic freedom. Many newspaper advisers and administrators appear to be either unaware of students' constitutionally protected rights of free expression, or have simply chosen to ignore them, hoping that the legal pendulum will swing the other way and that the courts will whittle down to the size of impetuous children the "persons" created by Tinker and its successors.

The results of the present survey seem to indicate that a considerable number of teachers and principals still consider all high school journalists to be nothing more than "impressionable adolescents," incapable of coping with controversial ideas that are

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[51]Sandra Grasinger, "Avoid Censorship: Develop Unique Relationship Between Adviser, Staff and Administration," Quill and Scroll, XLI (October-November, 1967), 64-65.

at variance with those commonly accepted in the community. While this view of the teenager may well be applied to some adolescents, it certainly is not an accurate description of all high school students. Nor does it in any way recognize the fact that these youths are growing up in a libertarian society that differs markedly from the one in which today's teachers and administrators were raised.

In order for students to benefit from their experiences as high school journalists, not only will many of those who run the schools have to reverse their notions of adolescents' capabilities and sense of responsibility, but they will also have to reexamine their ideas about what the function of the school press really is. Implicit in a number of responses from principals and advisers in the Illinois survey and thruout the literature is the conception of the high school newspaper as "an extension of the school's public relations arm," or as "the school's public relations product."[52]

How can these changes in attitude come about? Obviously, the legal system will have to continue to render decisions that conceive of students as "persons" under the Constitution, and that strike down arbitrary controls over students' rights to express themselves on any topic as long as they do so within the limitations prescribed by law.

Next, those advisers and student journalists now working in an atmosphere of relative freedom will have to avoid abusing such

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[52]Sellmeyer and Ross, op. cit., pp. 16, 23.

freedom by continuing to produce responsible publications that hit on meaningful issues affecting both the school and the community. Every effort should be made to exchange these newspapers with as many schools as possible, so that students operating under more restrictive conditions will be exposed to examples of quality journalism produced by persons of their own age.

In addition, scholastic journalism organizations will have to intensify their efforts in support of an unrestricted student press, including the dissemination of information about court decisions that promote students' First Amendment rights, perhaps even soliciting the support of the established media in this undertaking. For it is a widely accepted fact that far too many advisers and administrators have only a superficial acquaintance with the contents of the multitude of educational journals that could keep them abreast of changes in their profession, including the emergence of new philosophies about the status of students in relation to the schools.

Such efforts, of course, will take time to implement, and even longer to become genuinely effective. Nevertheless, they, or others like them, are necessary if high school journalists nationwide are to look upon First Amendment freedoms as anything more than fancy rhetoric, applicable only to those who have been graduated from high school and suddenly assumed the status of "mature" individuals.

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